

## REMARKS

### I. Introduction.

Claims 1-18 are pending, and stand rejected. Various claims and groups of claims were subject to rejections under 35 U.S.C. Section 103(a).

### II. The 35 U.S.C. Section 103(a) Rejections.

#### A. Claims 1-7, 9, 11, and 12.

Claims 1-7, 9, 11, and 12 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of German Patent DE 19532169, Kurz, and U.S. Patent 5,008,115 issued to Lee, et al.

The Office Action incorporates a copy of Fig. 1 of the Meek patent therein. The Office Action states that although not specifically stated by Meek, it is obvious and necessary that the holes (15) must be smaller than the particles, otherwise the particles would fall out, thereby destroying the purpose of the device. The Office Action states that it would have been obvious to one of ordinary skill in the art to use the dispenser of Meek within a sauna environment, as Kurz discloses that bathroom environments are sources of odors.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Applicants initially note that Fig. 1 of the Meek reference shows "an essentially cylindrical body of air treating gel \* \* \*". Neither Fig. 1, nor the remainder of the disclosure of the Meek reference specifically states that the holes in the container shown therein are necessarily smaller than the particles. In addition, among other things, the combination of the Meek, Kurz, and Lee, et al. references is not believed to teach or disclose, and thus does not render obvious, a process or a product comprising a plurality of perfumed particles wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less

than about 250° C or a ClogP of less than about 3 as claimed in Claims 1-3, and their dependent claims, Claims 4-7, 9, 11, and 12.

**B. Claim 8.**

Claim 8 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Meek, Kurz, and Lee, et al. as applied to Claim 3, and further in view of U.S. Patent 5,240,653, Moore.

The Office Action states that the holes in the container of Meek are all of substantially the same size. The Office Action states that Moore, however, teaches a similar type of dispensing device wherein the size and number of apertures may be selected to increase or decrease the amount of ambient air that circulates through and around the volatile material. The Office Action concludes that, given this teaching, it is deemed obvious to fabricate the device of Meek having holes of any determined size in order to optimize the characteristics of the device.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Moore reference discloses a ceiling fan air freshener that includes a porous fragrance cake impregnated with a fragrance inside a storage container. The passage of the Moore reference referred to in the Office action *does not* state that the Moore container can comprise holes of different sizes. This passage does not state that the size of the apertures are anything other than of a uniform size that can *all* be made larger, or smaller, to increase or decrease the amount of ambient air that circulates through and around the volatile material. In addition, little is said about the fragrance ingredients. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a product comprising a plurality of perfumed particles wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less than about 250° C or a ClogP of less than about 3 as claimed in Claim 8.

C. Claim 10.

Claim 10 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Meek, Kurz, and Lee, et al. as applied to Claim 3, and further in view of U.S. Patent 5,240,653, Ramkissoon.

The Office Action states that the combination of references is silent with respect to using different perfumed particles. The Office Action further states that Ramkissoon reference evidences that it was known in the art of air fresheners to include more than one fragrance within a single dispenser.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Ramkissoon reference discloses a house air freshener in the form of a basket fitting that is provided for an air filter used in the air circulation ducting of a domestic dwelling and is designed to be attached directly to the duct covering grill within a room. The Ramkissoon reference does state that different air freshening mediums can be used. However, the only examples given in the Ramkissoon reference are: flower petals and other fragrance emitting leaves, granulated charcoal powder, and a sponge saturated with a liquid germicidal agent and/or deodorizer. The disclosure of the use of perfumed particles and a liquid deodorant in the Ramkissoon reference is not a disclosure of different perfumed particles comprising different perfumes. The combination of references is also not believed to teach or disclose, and thus does not render obvious, a product comprising a plurality of perfumed particles comprising different perfumes wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less than about 250° C or a ClogP of less than about 3 as claimed in Claim 10.

D. Claims 13, 14, 16, and 18.

Claims 13, 14, 16, and 18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 2,738,225 issued to Meek in view of Lee, et al.

The Office Action states that it would have been obvious to use the polymeric particles of Lee, et al. in place of the granular or other absorbent material

of Meek, as Lee et al teaches that the polymeric particles provide a more controlled release of active ingredient.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a device comprising a plurality of perfumed particles wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less than about 250° C or a ClogP of less than about 3 as claimed in Claims 13, 14, 16, and 18.

E. Claim 15.

Claim 15 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Meek in view of Lee, et al. and Moore.

The Office Action states that it would have been obvious to use the polymeric particles of Lee, et al. in place of the granular pumice or other absorbent material of Meek, as Lee, et al. teaches that the polymeric particles provide a more controlled release of active ingredient. The Office Action states that it would have been obvious to the skilled artisan to choose an appropriate fragrance, as is common in the art. The Office Action further refers to the disclosure in the Moore reference of the dispensing device wherein the size and number of apertures may be selected to increase or decrease the amount of ambient air that circulates through and around the volatile material.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. As stated in response to the rejection of Claim 8, the passage of the Moore reference referred to in the Office action *does not* state that the Moore container can comprise holes of different sizes. In addition, among other things, the combination of references is not believed to teach or disclose, and thus does not render obvious, a device comprising a plurality of perfumed particles wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of

greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less than about 250° C or a ClogP of less than about 3 as claimed in Claim 15.

F. Claim 17.

Claim 17 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,240,653, Ramkissoon.

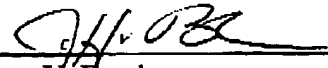
The Office Action states that Ramkissoon teaches a device including a container including different air treatment mediums (in the form of perfumed particles and a liquid deodorant), and concludes that it would have been obvious to one of ordinary skill in the art to use more than one fragrance/perfume in the container.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. As discussed above, the only examples given in the Ramkissoon reference are: flower petals and other fragrance emitting leaves, granulated charcoal powder, and a sponge saturated with a liquid germicidal agent and/or deodorizer. A disclosure of the combination of perfumed particles and a liquid deodorant is not the same as perfumed particles comprising different perfumes. In addition, the Ramkissoon reference is not believed to teach or disclose, and thus does not render obvious, a device comprising perfumed particles comprising different perfumes wherein said perfumed particles comprise perfume ingredients, at least some of said perfume ingredients having a boiling point of greater than about 250° C and a ClogP of greater than 3, and less than about 30% of said perfume ingredients by weight have a boiling point of less than about 250° C or a ClogP of less than about 3 as claimed in Claim 17.

IV. Summary.

All of the rejections have been addressed. A Notice of Allowance is respectfully requested.

Respectfully submitted,  
Carl-Eric Kaiser

By   
Jeffrey V. Bamber  
Attorney for Applicant(s)  
Registration No. 31,148  
(513) 627-4597

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